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T.S. Sept 2002

PATENT 4-17
Attorney Docket No.: FOM-117.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Russell, Melanie et al.
Application No: 09/846,899
Filed: May 1, 2001
For: Dynamic Performance Measures

Examiner: Not Yet Assigned

Art Unit: 2121

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OCT 16 2002

Technology Center 2100

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Commissioner for Patents
Washington, DC 20231

Sir:

Submitted herewith on Form PTO-1449/A is a listing of one document known to Applicants and/or their attorney in compliance with the requirements of 37 CFR 1.56. A Copy of the document is also being submitted. This submission is provided before a first office action on the merits.

Although we believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Account No. 06-1448, Reference FOM-117.01**.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1241.

Respectfully Submitted,

Kevin A. Oliver
Reg. No. 42,049

Date: October 7, 2002

Customer No: 25181
Patent Group
Foley, Hoag LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2600

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OCT 15 2002
U.S. PATENT & TRADEMARK OFFICE
JC109

2121
PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number **09/846,899**

Filing Date **May 1, 2001**

First Named Inventor **Russell, Melanie**

Group Art Unit **2121**

Examiner Name **Not Yet Assigned**

Attorney Docket Number **FOM-117.01**

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ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Response
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement by Applicant (Form 1449A)
- Certified Copy of Priority Document(s)
- Response to Missing Parts/Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____

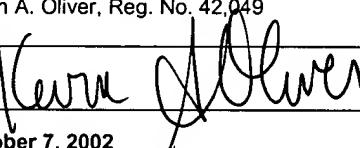
- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

Information Disclosure Statement Under 37 CFR 1.97; Reference AA; Certificate of First Class Mail; and Return Receipt Postcard.

Remarks

Customer No. 25181

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kevin A. Oliver, Reg. No. 42,049
Signature	
Date	October 7, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



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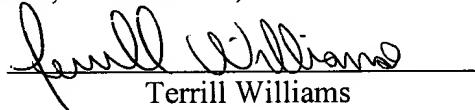
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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on October 7, 2002.



Terrill Williams

Commissioner for Patents
Washington, DC 20231

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Fee Transmittal (1 pg.);
3. Information Disclosure Statement By Applicant (Form 1449A) (1 pg.);
4. Reference AA;
5. Information Disclosure Statement Under 37 CFR 1.97 (1 pg.); and
6. Return Receipt Postcard.



FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 0)

Complete If Known

Application Number 09/846,899

Filing Date May 1, 2001

First Named Inventor Russell, Melanie, et al.

Examiner Name Not Yet Assigned

Group / Art Unit 2121

Attorney Docket No. FOM-117.01

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METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge any additional fees or credit any over payments to:

Deposit Account Number

06-1448, Ref. FOM-117.01

Deposit Account Name

Foley Hoag, LLP

 Applicant claims small entity status.
See 37 CFR 1.272. Payment Enclosed: Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370
106	330	206	165
107	510	207	255
108	740	208	370
114	160	214	80

SUBTOTAL (1)

(\$0)

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			0		0
			0		0

Large Entity Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103	18	203	9
102	84	202	42
104	280	204	140
109	84	209	42
110	18	210	9

SUBTOTAL (2)

(\$0)

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Fee Code (\$)	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Processing fee under 37 CFR 1.17 (q)
126	180	126	180	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify) Change in Status

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Kevin A. Oliver	Registration No. Attorney/Agent)	42,409	Telephone	(617) 832-1241
Signature	<i>Kevin A. Oliver</i>			Date	October 7, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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